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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

No. 447.

GOOD SHOT, AN INDIAN, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

PETITION TO REQUIRE ENTIRE RECORD TO BE SENT UP FROM THE UNITED STATES CIRCUIT COURT OF APPEALS, AND FOR LEAVE TO PROCEED IN FORMA PAUPERIS.

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1 UNITED STATES OF AMERICA.

In the Supreme Court of the United States.

GOOD SHOT, AN INDIAN, PLAINTIFF IN ERROR, *vs.* THE UNITED STATES OF AMERICA, DEFENDANT in error. } No. 447. October term, 1900.

Writ of error to the circuit court of the United States from the district of South Dakota, southern division, from the circuit court of appeals.

To the honorable the Judges of the Supreme Court of the United States:

Now comes the plaintiff in error above-named and respectfully showeth unto your honors as follows:

1. That he was convicted of the crime of murder in the first degree without capital punishment in the circuit court of the United States in and for the district of South Dakota, at the April term, 1899, both this petitioner and person murdered being Indians of full blood, under the charge of an Indian agent, and the crime was committed on the Pine Ridge Indian Reservation, in the district of South Dakota, and that he was thereupon sentenced to imprisonment for life in the penitentiary of South Dakota for the period of his natural life.

2. That thereafter and in due time a bill of exceptions was duly allowed and settled and a writ of error allowed by the honorable circuit court of appeals for the eighth circuit, assignments of error having been duly filed, and that the citation in error was duly served and returned.

3. That upon a proper affidavit the honorable circuit court of appeals allowed this petitioner to prosecute his writ of error as a poor person, he being unable to either give bond or to make a deposit to cover the costs in the premises.

4. That the United States district attorney for the said district of South Dakota moved the honorable circuit court of appeals to dismiss said writ of error upon the ground that this being capital offense
2 the same should *same should* have been taken by writ of error to the honorable Supreme Court of the United States, whereupon the honorable circuit court of appeals certified the question as to whether it had jurisdiction to entertain the said writ of error.

5. That your petitioner had properly prepared and printed at his expense the record and brief of said writ of error, and filed in said circuit court of appeals the proper number of each, in accordance with the rules of that court; that he is without property, money, or friends to either pay for a copy of the record to file in this court or to have same printed, or a brief printed, and his attorney was assigned by the trial court to defend him.

6. Your petitioner further showeth that he is advised and believes that his writ of error is meritorious, and that he is entitled to a reversal of the aforesaid conviction and sentence, and that he believed that the honorable circuit court of appeals had jurisdiction of said writ of error and was so advised by his counsel at and before suing the same out; and that the dismissal thereof or the refusal of your honors to order the record certified and filed in this court will leave him without any remedy or means of redress, wherefore your petitioner most humbly prays as follows:

1. That your honors make an order directing that a copy of the record in the premises be made and certified at the expense of the United States to your honors for the consideration of the errors assigned by him upon his writ of error to the honorable circuit court of appeals for the said eighth circuit.

2. That your honors take jurisdiction of this petitioner's writ of error, just as though the same had been in the first instance sued out and made returnable to the honorable Supreme Court of the United States, and that the entire record and all the papers be certified and docketed in this court.

3. Your petitioner further prays that the printed record and his brief as printed and filed in the honorable circuit court of appeals may be received, filed, and used just as though they had been first printed
3 under the rules of this court.

4. That he be permitted to prosecute his writ of error herein as a poor person.

And your petitioner will ever pray as in duty bound.

MELVIN GRIGSBY & S. H. WRIGHT,
Attorneys for the Plaintiff in Error.

STATE OF SOUTH DAKOTA,
County of Minnehaha, ss:

Good Shot, the plaintiff in error above named, being duly sworn, deposes and says that the foregoing petition is true in substance and in fact.

GOOD SHOT.

Witnesses:
T. P. HENNESSY.
L. B. HULL.

Sworn to and subscribed before me on the 29th day of September, A. D. 1900.

[SEAL.]

L. S. TYLER,
Notary Public in and for Minnehaha County, South Dakota.

SIOUX FALLS, S. D., *Sept. 29, 1900.*

We hereby certify that we have examined the foregoing petition of Good Shot, the plaintiff in error, and believe that the same is in all respects true, meritorious, and made in good faith.

MELVIN GRIGSBY & S. H. WRIGHT,
Attorneys for Plaintiff in Error.

4 (Indorsed:) Original. In the Supreme Court of the United States. October term, 1900. Good Shot, an Indian, pl'ff in error, v. The United States, def't in error. Petition. Melvin Grigsby and S. H. Wright, att's for pl'ff in error.

5 (Indorsed:) File No., 17932. Supreme Court, U. S. October term, 1900. Term No., 447. Good Shot, an Indian, pl'ff in error, vs. The United States. Petition to require entire record to be sent up, and for leave to proceed in forma pauperis. Filed Oct. 17, 1900.

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No. 447.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

No. 447.

GOOD SHOT, AN INDIAN, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

CERTIFIED COPY OF ORDER OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT VACATING AND ANNULLING ORDER TO CERTIFY CASE TO THE SUPREME COURT OF THE UNITED STATES AND RECALLING SAID CERTIFICATE.

FILED OCTOBER 17, 1900.
(17032.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

No. 447.

GOOD SHOT, AN INDIAN, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

CERTIFIED COPY OF ORDER OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT VACATING AND ANNULLING ORDER TO CERTIFY CASE TO THE SUPREME COURT OF THE UNITED STATES AND RECALLING SAID CERTIFICATE.

1 United States circuit court of appeals, eighth circuit, May term, 1900.

MONDAY, *October 15, 1900.*

GOOD SHOT, AN INDIAN, PLAINTIFF in error, *vs.* THE UNITED STATES OF AMERICA.	No. 1353. In error to the circuit court of the United States for the district of South Dakota.

It appearing to the court that since the order was entered certifying a certain question arising herein to the Supreme Court of the United States for its determination the point certified has been determined by the Supreme Court of the United States in Fitzpatrick vs. United States, 178 U. S., 304, it is now ordered that the order heretofore made at the present May term certifying the case to the Supreme Court of the United States be, and the same is hereby, vacated and annulled, and that the certificate be, and the same is hereby, recalled.

October 15, 1900.

United States circuit court of appeals, eighth circuit.

I, John D. Jordan, clerk of the United States circuit court of appeals, do hereby certify that the above and foregoing is a full, true, and complete copy of the order vacating and recalling the certificate of questions to the Supreme Court in the case of Good Shot, an Indian, plaintiff in error, vs. The United States of America, No. 1353, as full, true, and complete as the original of the same now remains on file and of record in my office.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, at the city of St. Louis, Missouri, in the eighth circuit, this fifteenth day of October, A. D. 1900.

[SEAL.] JOHN D. JORDAN,
Clerk U. S. Circuit Court of Appeals, Eighth Circuit.

2 (Indorsed:) U. S. circuit court of appeals, eighth circuit, May term, 1900. No. 1353. Good Shot, an Indian, plaintiff in error, vs. United States of America. Certified copy order vacating and recalling certificate of questions to Supreme Court.

3 (Indorsed:) File No. 17932. Supreme Court U. S., October term, 1900. Term No. 447. Good Shot, an Indian, P. E., vs. The United States. Certified copy of order of U. S. circuit court of appeals vacating and recalling certificate of questions to U. S. Sup. Court. Filed Oct. 17, 1900.

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